

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2005-009256-002 DT

03/04/2008

HONORABLE THOMAS W. O'TOOLE

CLERK OF THE COURT  
S. Perez  
Deputy

STATE OF ARIZONA

FRANKIE LYNN GRIMSMAN  
LORI A EIDEMANIS

v.

KIMU MARIE PARKER (002)

JAIME C HINDMARCH  
THOMAS A GORMAN

VICTIM SERVICES DIV-CA-CCC  
BOARD OF EXECUTIVE CLEMENCY  
1645 W JEFFERSON  
PHOENIX AZ 85003

MINUTE ENTRY

Background

On August 2, 2007, this court sentenced Kimu Parker to 30 years flat in prison based on jury verdicts finding her guilty of three counts of Child Abuse, dangerous crimes against children, concerning her children, Michaela, Caleb, and Zion, who were ages 11, 9 and 3 respectively when the crimes occurred. At the same time, because the court expressly found that the statutorily mandated minimum sentences were clearly excessive (10 years flat on each count, to be served *consecutive* to each other), it entered a special order allowing the defendant to petition the Board of Executive Clemency for commutation of her sentence. A.R.S. 13-603(L). Thus, on September 4, 2007, the defendant filed her *Defendant's Memorandum Pursuant to A.R.S. 13-603(L)*.

The following are the specific reasons the court concluded that the mandated consecutive sentences are clearly excessive:

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1. The defendant has always loved her children and did not act maliciously in engaging in conduct that resulted in their abuse. With her husband, she raised the children on a strict vegan diet that was improperly administered over a period of years based on a recklessly misguided understanding of what was appropriate. This led to the children being grossly undernourished and being nearly starved to death.
2. The evidence at trial showed that the victim children, despite being hospitalized as a result of being nearly starved to death by their parents, were happy and always showed great love and respect for their parents throughout their upbringing, including during their hospitalization and after release and placement with foster parents.
3. While on release and pending trial, which occurred over three years after the abuse incident, the defendant had her fourth child, which was placed under CPS supervision. At sentencing, evidence showed the mother had taken parenting classes and clearly learned the errors of her previous parenting ways. CPS opined that she was a good, proper parent who would be able to raise healthy children.

In conclusion, the Court strongly urges the Board, after hearing from the victims and county attorney, recommend to the Governor that the clearly excessive 30 flat sentence be commuted or pardoned. A.R.S. 31-401 et. seq., provides for this just relief.